

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- November 16, 1966

Appeal No. 9028 Richard J. Donohoe and Barney Dreyfuss, appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. William F. McIntosh not voting, the following Order was entered at the meeting of the Board on November 29, 1966.

EFFECTIVE DATE OF ORDER -- March 9, 1967

ORDERED:

That the appeal for a variance from the FAR and rear yard requirements of the C-4 District to permit erection of an office building with an FAR not to exceed 8.59 at 1510 H Street, NW., lot 35, square 221, be granted.

FINDINGS OF FACT:

(1) Appellants' property is located in a C-4 District and has an area of 5,883 square feet.

(2) In Appeal No. 8795 the Board granted permission to erect a nine floor office building with roof structure on the subject site by Order effective December 16, 1966.

(3) It was originally planned to construct the building so that the front would be in line with the colonnade of the Union Trust Building which adjoins the site (see Exhibit No. 7). The plans called for construction of a terrace from which the rear yard requirements were computed.

(4) The Commission of Fine Arts notified appellants on September 21, 1966 as follows (see Exhibit No. 15):

"Restudy character of facade, substituting a more neutral and subdued treatment for the exaggerated verticality of the proposed design. Suggest modular masonry facade with color in the range of limestone or darker gray granites, and with dark glass. Set structure back from the building line 3 or 4 feet to achieve better relation to adjacent structures."

(5) In order to conform to the demands of the Commission of Fine Arts, it was impractical or impossible to comply with the rear-yard requirements of the Zoning Regulations as the property is only 111 feet deep. An increase in the FAR is requested because the plans had been submitted to a mortgage lending institution and the original projections are shown, which extend over the line permitted by the Commission. The new plans eliminate the terrace and extend the rear of the proposed structure on the column line of the foundations below. Elimination of the terrace changed the elevation from which the rear-yard requirements were computed, and requires a variance of 9.02 feet.

(6) The excess FAR under the current plans for the building is 500.5 feet out of 50,005.50 feet.

(7) No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

We are of the opinion that appellants have proved a hardship within the meaning of the variance clause of the Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

We believe that the requested variance from the rear-yard requirements and the FAR requirements can be granted without substantial detriment to the public good and without substantially impairing the intent or purpose of the Zoning Regulations.